REMARKS

Claims 1-8, 10-17, and 19-27 are pending in this application, with Claims 1, 2, 10, 11, 19, 20, 21 and 27 being the independent claims.

Claims 1, 2, 10, 11, 19-21, and 27 have been amended. Applicant submits that support for these amendments can be found in the original disclosure, and therefore no new matter has been added.

Applicant appreciates the courtesy extended by Examiner Edwards in granting and conducting a personal interview with Applicant's representative on March 23, 2006. A statement of the substance of the interview is incorporated into the remarks below.

Claims 1, 3-8, 10, 12-17, 21, 22, 24, 26 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. Patent Publication No. 2003/0011684 A1 (Narayanaswami et al.) and U.S. Patent Application Publication No. US 2002/0080997 A1 (Rhoads et al.). Claims 23 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Narayanaswami et al. and Rhoads, et al. and further in combination with U.S. Patent Application No. 6,037,984 A (Isnardi et al.). Applicant respectfully traverses these rejections for the reasons presented during the interview, which are repeated below.

As discussed during the interview, the present invention recited in Claim 1 is directed to an image sensing apparatus that senses an image and embeds predetermined data in the sensed image. Different modes may be used for embedding the data, and the different modes have different robustnesses; however, an embedding mode corresponding to a

higher robustness will have a greater affect on the image quality of the image in which the data is embedded.

Accordingly, the invention recited in Claim 1 includes, *inter alia*, the feature of automatically deciding, in accordance with an image quality corresponding to a manually selected image sensing mode, one of a plurality of embedding modes to be used, wherein the image quality and the robustness of the decided embedding mode have an inversely proportional relationship. With this feature, when an image sensing mode is selected to achieve a particular image quality, an embedding mode can be automatically decided on which has a robustness that does not unduly affect the desired image quality. For example, as discussed in the specification with respect to Fig. 14, when an image sensing mode corresponding to a fine image quality is selected, embedding may be prohibited altogether, when an image sensing mode corresponding to a standard image quality is manually selected, an embedding mode giving priority to the image quality (i.e., having lower robustness) may be automatically selected, and when an image sensing mode corresponding to an economy image quality is manually selected, an embedding mode giving priority to robustness (i.e., higher robustness at the expense of image quality) may be automatically selected.

Applicant respectfully submits that the cited art fails to disclose or suggest at least the above-mentioned feature of Claim 1. The Examiner conceded in the last Office Action that Narayanaswami does not disclose that different embedding modes are different in robustness. The Examiner relied on Rhoads as disclosing that feature. However, as pointed out during the interview, while Rhoads does disclose that different watermarking modes are different in durability, neither Narayanaswami nor Rhoads either discloses or

suggests automatically deciding an embedding mode in accordance with image quality corresponding to a manually selected image sensing mode. In particular, as the Examiner himself characterized the references in the last Office Action, Narayanaswami discloses that a watermarker processor embeds information based on parameters specified by the user, and Rhoads discloses user selection of embedding robustness.

During the interview, the Examiner pointed out that paragraph [0021] suggests that watermark durability (i.e., robustness) and image quality are inversely related. However, that disclosure does not disclose or suggest automatically deciding an embedding mode based on an image quality corresponding to a manually selected image sensing mode, as recited in Claim 1. Instead, it merely suggests that when a user manually selects a watermarking mode, he can consider either the durability or the affect on image quality in making his decision.

Accordingly, Applicant submits that even if the cited art is considered in combination, it does not disclose or suggest at least the feature of automatically deciding an embedding mode in accordance with image quality corresponding to a manually selected image sensing mode, as recited in Claim 1.

Independent Claims 10 and 19 recite similar features and are believed patentable for similar reasons.

Independent Claims 21 and 27 recite, among others, the feature of automatically determining, in accordance with whether or not image quality corresponding to a manually selected image sensing mode is lower than a predetermined quality, whether to activate embedding means. With this feature, embedding may be automatically inactivated

completely if the image quality corresponding to a manually selected image sensing mode is above a certain quality, so that no embedding will deteriorate the image quality.

For reasons similar to those discussed above, Applicant submits that the cited art also fails to disclose or suggest at least the above-mentioned feature of Claims 21 and 27.

Claims 2, 11, and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,862,218 (Steinberg). Applicant respectfully traverses this rejection for the reasons discussed at the interview and repeated below.

As recited in Claim 2, the present invention includes, *inter alia*, the feature of automatically deciding an image quality of an image to be sensed in accordance with the robustness corresponding to a manually selected embedding mode, wherein the image quality corresponds to a degree of compression and the decided image quality and the robustness corresponding to the manually selected embedding mode having an inversely proportional relationship. With this feature, automatic selection of an appropriate image quality based on the selected embedding robustness is possible.

Applicant submits that Steinberg fails to disclose or suggest at least the above-mentioned feature. The Examiner cites language in Col. 5 as allegedly showing that image acquisition process parameters are set on the basis of the mark to be embedded in an image. As pointed out during the interview, Col. 5 of Steinberg discusses processing <u>after</u> original image data is imaged by a CCD and stored in registers. Applicant submits that nothing in that patent discloses or suggests automatically deciding an image quality of the image *to be sensed* in accordance with a robustness corresponding to a manually selected embedding mode, wherein image sensing means senses an image having the decided image quality, as recited in Claim 2.
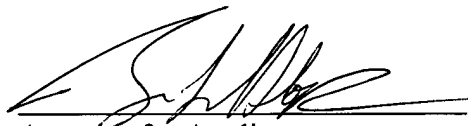
Accordingly, Applicant submits that the cited art fails to disclose or suggest all the limitations of Claim 2. Independent Claims 11 and 20 recite similar features and are believed patentable for similar reasons.

The dependent claims are each believed patentable for at least the same reasons as their respective independent claims, as well as for the additional features they recite.

In view of the above amendments and remarks, the claims are believed to be in allowable form. Therefore, withdrawal of the rejections and early passage to issue are respectfully solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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